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## *Representing the United States of America*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:16-cr-00046-GMN-PAL

V.

## GREGORY BURLESON.

**Defendant.**

**STIPULATION FOR EXTENSION OF  
TIME TO FILE GOVERNMENT'S  
RESPONSE TO DEFENDANT  
BURLESON'S MOTION FOR NEW  
TRIAL AND/OR DISMISSAL WITH  
PREJUDICE (ECF No. 3422) (FIRST  
REQUEST)**

**CERTIFICATION:** This Stipulation is timely filed.

IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A. Trutanich, United States Attorney, and Steven W. Myhre, Assistant United States Attorney, counsel for the United States of America, and Mark D. Eibert, counsel for Defendant Gregory Burleson, that the deadline for the government to respond to defendant's Motion For New Trial and/or Dismissal with Prejudice (ECF No. 3422) ("Motion") be extended to on or before **March 29, 2019**.

1 This stipulation is entered into for the following reasons:

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1. On February 12, 2019, the Court ordered the defendant to serve the sealed Motion on the government by mail and for the government to file its Response within fourteen days of service. ECF No. 3436.
  2. Defendant responded that he had effected service by mail at the time of his original filing and before the Court's Order of February 12, but that he re-served the government by mail on February 12, per the Court's Order. ECF No. 3438. Government counsel confirmed that an email from defendant was sent to government counsel on January 25, 2019, which email attached the Motion and a declaration from defense counsel.
  3. Government counsel further states that counsel's email was sent during the government shutdown. The government further shows no record that service by defendant was ever calendared in its case management system, most likely as a result of events surrounding the shutdown and reopening of government functions.
  4. At all events, however, counsel for the defendant and counsel for the government have conferred and agree that the government is now served and that it will file its Response to the Motion on or before **March 29, 2019**.
  5. The additional time requested herein is not sought for purposes of delay, but merely to allow the Government adequate time to prepare a Response to the Motion, taking into account due diligence.
  6. This is the first request to continue the Government's response deadline.

1       **WHEREFORE**, the parties respectfully request that the Court accept this Stipulation  
2 and enter an Order requiring the government to file its Response to Defendant's Motion for  
3 New Trial and/or Dismissal with Prejudice on or before **March 29, 2019**. For the  
4 convenience of the Court, a draft Order has been prepared and is attached to this  
5 Stipulation.

6 DATED this 19<sup>th</sup> day of February, 2019.

7       // s // Steven W. Myhre

8 STEVEN W. MYHRE

Assistant United States Attorney

Counsel for the United States

// s // Mark D. Eibert

MARK D. EIBERT

Counsel for Defendant Gregory Burleson

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:16-cr-00046-GMN-PAL

V.

GREGORY BURLESON,

**Defendant.**

## ORDER

This matter coming on the parties' Stipulation for Extension of Time to File the Government's Response to Defendant Burleson's Motion for New Trial and/or Dismissal with Prejudice (ECF No. 3422), the Court having considered the premises therein, and good cause showing, the Court accepts the parties' Stipulation.

It is **ORDERED** that the government will file its Response to defendant Burleson's Motion for New Trial and/or Dismissal with Prejudice (ECF No. 3422) on or before **March 29, 2019.**

Entered this 20 day of February, 2019.

**GLORIA M. NAVARRO**  
Chief United States District Judge